

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

FRANK KENNETH MILLER, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-00269
(Judge: Johnston)

COBRA ENTERPRISES OF
UTAH, INC. d/b/a Cobra Firearms,
a Utah corporation; and RK HOLDINGS
LLP d/b/a RURAL KING HOLDINGS,
LLP, an Illinois limited liability
partnership authorized to do business
in the State of West Virginia,

Defendants.

**PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST
DEFENDANT COBRA ENTERPRISES OF UTAH, INC.**

Plaintiff, by counsel, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, moves for an entry of default against the Defendant Cobra Enterprises of Utah, Inc. d/b/a Cobra Firearms, for the reason that Defendant has failed to respond to the Plaintiff's Complaint in this action.

In support of its request, Plaintiff states as follows:

1. Plaintiff filed its Complaint on February 6, 2018 (Docket No. 1).
2. Defendant is a Utah corporation and accordingly was served with the Summons and Complaint in accordance with the Federal Rules of Civil Procedure on February 23, 2018 (see, WV Secretary of State Return Executed as to Defendant).
3. Pursuant to Rule 12(a)(1)(4) of the Federal Rules of Civil Procedure, the deadline for Defendant to respond to Plaintiff's Complaint was March 17, 2018.

4. Defendant has failed and/or refused to answer to or otherwise defend Plaintiff's Complaint, or to file any other responsive pleading to the Complaint.

5. Rule 55(a) of the Federal Rules of Civil Procedure states:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the Clerk shall enter the Party's default.

6. Upon information and belief, Defendant is not a minor, incompetent or currently confined in the penitentiary of any state. Therefore, default should be entered for the Plaintiff.

7. This matter is not for a sum certain or for a sum that can be made certain by computation under Federal Rules of Civil Procedure Rule 55(b).

WHEREFORE, for the reasons set forth herein Plaintiff is entitled to the entry of default against the Defendant Cobra Enterprises of Utah, Inc. d/b/a Cobra Firearms.

FRANK KENNETH MILLER, JR.
By Counsel

/s/ Taylor M. Norman
L. Lee Javins (WVSB No. 6613)
Taylor M. Norman (WVSB No. 13026)
Bailey Javins & Carter LC
213 Hale Street
Charleston, WV 25301
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tnorman@bjc4u.com

Defendant details

Civil action #

2:18-CV-00269 (/business/service-of-process/Home/Search?CivilActionNumber=2%3A18-CV-00269)

Defendant

COBRA ENTERPRISES OF UTAH INC. (/business/service-of-process/Home/Search?DefendantName=COBRA%20ENTERPRISES%20OF%20UTAH%20INC.)

Agent

REGISTERED AGENT-WILFORD P. GENTRY

Country

US - UNITED STATES

County

Federal

Service date

Friday, February 23, 2018

Certified number

92148901125134100002267701

Delivery date

Unknown

USPS status

The USPS has not yet provided a status.

City/State/Zip

SALT LAKE CITY, UT 84104

Was delivered

No

Signature image

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 92148901125134100002267701

Remove X

Expected Delivery on

MONDAY

26

FEBRUARY
2018 ⓘ

by

8:00pm ⓘ

✓ **Delivered**

February 26, 2018 at 12:07 pm
Delivered, Front Desk/Reception
SALT LAKE CITY, UT 84104

Get Updates ✓

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Return Receipt Email



Tracking History



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CERTIFICATE OF SERVICE

I, Taylor M. Norman, counsel for Plaintiff, hereby certify that on the **21st** day of **March, 2018**, I electronically filed PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AGAINST DEFENDANT COBRA ENTERPRISES OF UTAH, INC. with the Clerk of the Court using the CM/ECF System, which will send notification to counsel of record.

/s/ Taylor M. Norman
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Taylor M. Norman (WVSB No. 13026)
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